



STRATEGIC OBJECTIVE I HUMAN RIGHTS OF WOMEN

STRATEGIC OBJECTIVES I

Objective I.1 Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Objective I.2 Ensure equality and non-discrimination under the law and in practice.

Objective I.3 Achieve legal literacy.

'(221) The human rights of all women and the girl child must form an integral part of United Nations human rights activities. Intensified efforts are needed to integrate the equal status and the human rights of all women and girls into the mainstream of United Nations system-wide activities and to address these issues regularly and systematically throughout relevant bodies and mechanisms. This requires, inter alia, improved cooperation and coordination between the Commission on the Status of Women, the United Nations High Commissioner for Human Rights, the Commission on Human Rights, including its special and thematic rapporteurs, independent experts, working groups and its Sub commission on Prevention of Discrimination and Protection of Minorities, the Commission on Sustainable Development, the Commission for Social Development, the Commission on Crime Prevention and Criminal Justice, and the Committee on the Elimination of Discrimination against Women and other human rights treaty bodies, and all relevant entities of the United Nations system, including the specialized agencies. Cooperation is also needed to strengthen, rationalize and streamline the United Nations human rights system and to promote its effectiveness and efficiency, taking into account the need to avoid unnecessary duplication and overlapping of mandates and tasks.

(222) If the goal of full realization of human rights for all is to be achieved, international human rights instruments must be applied in such a way as to take more clearly into consideration the systematic and systemic nature of discrimination against women that gender analysis has clearly indicated.'

(Beijing Platform for Action (BPFA))

OVERARCHING CONCERNS

The ratification of CEDAW Optional Protocol and co-sponsoring of Security Council Resolution 1888 (2009) are strong steps towards the advancement of women and a clear statement that Australia is working towards strengthening its human rights obligations and responsibilities.

However, there are limited human rights protections for women at the moment, for example federal politicians and public servants do not have to consider the rights of women when developing and implementing new laws and policies on issues such as housing, health, education, employment and superannuation (*Australian Human Rights Commission, Let's Talk About Rights, Feb. 2009*).

Despite advances in equality at work, women's wages are stuck at 84% of male earnings. Women in professional spheres are hiding relationships and pregnancies in fear of not gaining promotion. Women's superannuation savings lags behind men's at just over half the average balance. There is an increase in bullying and sexual harassment in the workplace. The majority of single parent families seeking safe and affordable houses are women. Indigenous, refugee and migrant women continue to suffer from intersectional discrimination. Women with disabilities continue to face multiple discriminations caused by the intersection of gender and disability. For lesbians, legal discrimination in such areas as adoption still exists, and the right to marriage in same-sex partnerships remains contested. High levels of discrimination across all levels of society are key barriers for lesbians, indigenous, CALD and refugee women, and women with disabilities.

Community legal centres and legal aid, provide an important access to justice for many women. However, a lack legal literacy programmes and human rights education results in a lack of knowledge and understanding of legal issues, particularly for refugee and CALD women about how human rights instruments intersect with their lives.

Of particular concern is the Northern Territory Emergency Response, which is recognised by government as an extraordinary measure to remedy situations of indigenous disadvantage. This response impacts on income management, imposes compulsory leases, and imposes community-wide bans on alcohol consumption and pornography in indigenous communities. While there are some positive aspects to this intervention that have benefitted some in the communities affected, it remains that this intervention is only focussed at indigenous communities in the Northern Territory and some of these measures overtly discriminate against indigenous women and girls, infringe their right of self-determination and stigmatize already stigmatised communities.

The current trend for civil society to be excluded through UN negotiations is of particular concern in the advancement of all women.

Despite changes in legislation to address the issues of same-sex partner discrimination, there remains a high level of discrimination within the community which severely impacts on the safety and security of lesbians.

GAINS

- ✿ In August, 2009 Australia invited the United Nations Special Rapporteur on Indigenous rights to investigate the intervention on indigenous communities in the Northern Territory.
- ✿ In September 2009, the Human Rights Law Resource Centre (HRLRC) prepared a Briefing Paper on Health and Human Rights in Australia for the UN Special Rapporteur on the Right to Health, Anand Grover, in advance of his country mission to Australia in November and December 2009.
- ✿ In December, 2009, Mr Anand Grover, UN Special Rapporteur on the Right to Health was hosted in Australia. The focus of this mission was on two main issues – indigenous health and access to healthcare in detention establishments, including those for asylum-seekers, refugees and prisoners.

- ✿ In April 2006, The UN Special Rapporteur on Human Rights and Counter-Terrorism sought submissions for his report on Australia's counter-terrorism legislation and measures with a view to identifying the compliance of these with human rights standards. A joint submission was prepared by the Combined Community Legal Centres Group (NSW) Inc., NSW Young Lawyers Human Rights Committee, AMCRAN, and the Federation of Community Legal Centres (Victoria).
- ✿ The state of Victoria and the Australian Capital Territory has enacted formal protection of human rights by introducing a Charter of Human Rights and Responsibilities. The charter will ensure human rights are valued and protected within government and the community (2007, 2008).
- ✿ Throughout 2009, the Australian Government initiated an independent review of its human rights protections.
- ✿ Australia strengthened its commitment to addressing discrimination against women by becoming party to the CEDAW Optional Protocol (March, 2009).
- ✿ Australia will report to the CEDAW committee in July, 2010.
- ✿ Australian government partially funded the community consultations for the NGO CEDAW Shadow Report (2008 / 2009).
- ✿ Australian government partially funded the NGO community consultations for the 15 year review of the Beijing Platform for Action : Working Together for Equality (2009 / 2010).
- ✿ Australia ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) in July, 2008 (entered into force on August 2008).
- ✿ Australian government partially funded the community consultations and discussion paper on the options for the implementation of Security Council Resolution 1325 and the potential for a National Action Plan.
- ✿ The establishment of an online portal on anti-discrimination laws and commissions.
- ✿ Australia co-sponsored Security Council Resolution 1888, which builds on Security Council Resolution 1820. Passed in the Security Council on 30 September, 2009 Security Council Resolution 1888 calls for the appointment of a Special Representative to lead, coordinate and advocate efforts to end conflict-related sexual violence against women and girls.
- ✿ Australian Government removed discriminatory laws against same-sex couples in relation to financial and work-related benefits and entitlements.
- ✿ Australian Human Rights Commission (formerly HREOC) undertook national consultations and highlighted 558 federal laws that discriminate against homosexuals.

GAPS

- ✿ Suspension of the Racial Discrimination Act 1975 in the Northern Territories and the quarantining of benefits and pensions of indigenous peoples. While it is recognised there are some positive aspects to this intervention that have benefitted some in the communities affected, it remains that this intervention is only focussed at indigenous communities in the Northern Territory and some of these measures overtly discriminate against indigenous women and girls, infringe their right of self-determination and stigmatize already stigmatised communities.
- ✿ Long internments in detention centres (both onshore and off shore) and long visa processing times for those seeking asylum, especially women and children, remains a key challenge and severely impacts on the health and wellbeing of those in detention.
- ✿ There is a lack of adequate, community based, multilingual, legal literacy and human rights education programmes. This results in a lack of knowledge and understanding of legal issues, particularly for refugee and CALD women about how human rights instruments intersect with their lives and how to act when faced with legal situations.
- ✿ Discrimination and bullying prevails in the workplace and in schools with women continuing to feel diminished. While women are growing more aware of their rights, little is known about the Sex Discrimination Act and the Equal Opportunity Act. Internal handling of incidents is often ineffective or inappropriately enforced. Women pursuing a complaint frequently find procedures to be cumbersome and disempowering. Fear of retribution/consequences of reporting incidents continues

EMERGING ISSUES

- ✿ Human rights protections for women need to be improved and monitored. For example, federal politicians and public servants do not have to consider the rights of women when developing and implementing new laws and policies on issues such as housing, health, education, employment and superannuation (*Australian Human Rights Commission, Let's Talk About Rights, Feb. 2009*).

SUGGESTED UN LANGUAGE FOR KEY PRIORITY AREAS FOR ACTION

- ✿ Calling on governments to develop Human Rights Acts that make explicit reference to CEDAW and substantive equality for women, that guarantee rights equally to women and men, and that provide economic, social and cultural rights with the same level of protection as civil and political rights.
- ✿ Calling on governments to ensure that the Human Rights Commissions are fully resourced and supported and its business units are provided with adequate funding to properly discharge their functions. Review and improve reporting procedures for the reporting of human rights abuses for women and provide support for potential backlash on reporting.
- ✿ Calling on governments to strengthen and encourage the development of programmes to protect the human rights of women in the national institutions on human rights that carry out programmes such as human rights commissions or ombudspersons, according them appropriate status, resources, staff and

access to the Government to assist individuals in particular women and ensure that these institutions pay adequate attention to the problems involving the violation of human rights of women.

- ✿ Calling on governments to work actively towards the ratification of or accession to and full implementation of internationally agreed human rights treaties including the UN Declaration of the Rights of Indigenous Peoples (UNDRIP) and the Convention on the Rights of Persons with Disabilities and its Optional Protocol and Race Discrimination Act.
- ✿ Calling on governments to provide comprehensive human rights education to raise awareness among women of their human rights and raise awareness among others of the human rights of women and girls.
- ✿ Calling on governments to develop and implement national policies, in accordance with international and regional action plans, prohibiting harmful customary or traditional practices, particularly female genital mutilation, that are violations of and obstacles to the full enjoyment by women of their human rights and fundamental freedoms, and prosecute the perpetrators of such practices that are harmful to the health of women and girls.
- ✿ Call for governments, to abolish discriminatory laws and practices, discriminatory customary laws, particularly personal laws which adversely affect the rights of women and to prevent and subversion of rights and violence against women with disabilities, lesbians, gay, bisexual, transgender people and indigenous women.

UN REFERENCES

BPFA

Strategic Objective I.1 Action 230 (d) (e) (f) (g) (n)
 Strategic Objective I.2 Action 232 (a) (d) (e) (g) (h) (n) (o) (p)
 Strategic Objective I.3 Action 233 (a) (b) (c) (d) (f) (h)
 Strategic Objective D.1 Action 121 (l) (k), 124 (i) (l) (n)
 Strategic Objective D.2 Action 232 (d)
 Strategic Objective L5 Action 281 (i)

B+5

B+5 IV Actions 55, 68 (a) (b) , 69 (e), 72 (u), 98 (a) (d), 99 (a)

CEDAW

Articles 1, 2, 3, 12, 16

MDG

No reference found

Reference in other documents

E/ESCAP/BPA/2009/CRP.1 para. 29, 34, 51, 52

CSW Outcomes Documents 2005 - 2009

E/CN.6/2006/15 para. 7 (c) (l) (n) (p)(u)
 E/CN.6/2007/9 para. 19.9 (d) (e) , 14.13 (c)
 E/CN.6/2008/11 para. 21 (i) (j) (k) (l) (m)
 E/CN.6/2009/15 para. 15 (a)